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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirtieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Niger

1. The Committee considered the initial report of Niger (CRC/C/3/Add.29/Rev.1) at its 784th and 785th meetings (see CRC/C/SR.784-785), held on 24 May 2002 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, which followed the established guidelines, and also takes note of the timely submission of the written replies to its list of issues (CRC/C/Q/NIG/1), which allowed for a clearer understanding of the situation of children in the State party. The Committee also notes the frank and constructive dialogue it had with the delegation of the State party. The Committee acknowledges that the presence of a delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the rights of children in the State party.

B. Positive aspects

3. The Committee welcomes the establishment of the National Committee for the Survival, Protection and Development of Children in 1998 and its subregional committees, and the revitalization of the National Commission on the Reform of Civil and Criminal Legislation.

* At the 804th meeting, held on 7 June 2002.

4. The Committee notes that the State party is among the few countries which have ratified the 1961 Convention on the Reduction of Statelessness, and welcomes the ratification by the State party of the International Covenant on Civil and Political Rights, the International Covenant on Social, Economic and Social Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women.

5. The Committee welcomes the fact that the State party has ratified the ILO Convention (No. 138) on the Minimum Age for Admission to Employment and the ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

6. The Committee welcomes the efforts undertaken by the State party to involve the religious and traditional leaders in several programmes concerning children.

7. The Committee also welcomes the adoption of the National Programme of Action for the Survival, Protection and Development of Children; Law 98-12 on the Education System of the Niger; Ordinance 99-11 of 14 May 1999 on the creation of juvenile courts; the 10-year Education Plan 2002-2012; and the Poverty Reduction Strategy Paper in 2002.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee acknowledges that the two armed rebellions in the north and east of the country (1990-1995), the fact that the State party is a landlocked country and has gone through several droughts, the extreme poverty facing the State party, as well as its political instability in the last decade, and the limited availability of skilled human resources have had a negative impact on social welfare and on the situation of children and have impeded the full implementation of the Convention. Furthermore, the coexistence of customary law and statutory law impedes the implementation of the Convention in the State party, where traditional practices are not conducive to children's rights.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Legislation

9. The Committee notes that new laws have been adopted by the State party to harmonize the existing legislation with the Convention. Nevertheless, the Committee remains concerned at the weak implementation of the Constitution as far as children's rights are concerned. Domestic legislation and customary law still do not fully reflect the principles and provisions of the Convention.

10. **The Committee encourages the State party to continue and strengthen its reform activities in order to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention. In that respect, the Committee recommends that the State party:**

(a) Strengthen the implementation of the Constitution as far as children's rights are concerned;

(b) Undertake all the necessary steps to harmonize existing legislation and customary law with the Convention;

(c) Integrate the principles of the Convention from a rights-based approach in the National Programme of Action for the Survival, Protection and Development of Children;

(d) Consider the adoption of a comprehensive children's code which will reflect the general principles of the Convention;

(e) Consider the elaboration and adoption of a comprehensive family code.

Coordination

11. While welcoming the establishment of the National Committee for the Survival, Protection and Development of Children in Niger (Decree 011/PM/MDS/P/PF/PE of October 1998), which is represented at the local level, the Committee is concerned at the lack of financial and human resources of this body to allow it to carry out its role efficiently.

12. **The Committee recommends that the State party take all necessary measures to provide the National Committee for the Survival, Protection and Development of Children with adequate human, financial and other resources. This National Committee should also be provided with a clear mandate that includes, for example, the formulation, implementation, coordination and evaluation of the new National Programme of Action for the Survival, Protection and Development of Children. The Committee also recommends that the State party coordinate and implement programmes established under international cooperation. Finally, the Committee recommends that the State party reinforce coordination at national, regional and local levels.**

Data collection

13. The Committee is concerned that the data collection mechanism of the State party does not ensure the adequate collection of disaggregated data on all aspects of the Convention, monitor and evaluate progress achieved, or assess the impact of policies adopted with respect to children.

14. **The Committee recommends that the State party strengthen its efforts to establish a comprehensive and permanent mechanism to collect data, disaggregated by gender, age, and rural and urban area. The State party should also develop indicators to monitor and**

evaluate effectively progress achieved in the implementation of the Convention and to assess the impact of policies relevant to children. The data collection mechanism should incorporate all the areas covered by the Convention and cover all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable. In this context, the Committee recommends that the State party seek technical assistance from, among others, UNFPA, UNDP and UNICEF.

Independent/monitoring structures

15. The Committee takes note of Act No. 98-55 of 29 December 1998, which led to the establishment of the National Committee on Human Rights and Fundamental Freedoms in accordance with article 33 of the Constitution. However, the Committee is concerned at the lack of an independent mechanism to monitor and evaluate effectively progress in the implementation of the Convention and empowered to receive and address complaints.

16. **The Committee recommends that the State party provide the National Committee on Human Rights and Fundamental Freedoms with adequate human and financial resources, and expedite activities aimed at the establishment of an office, for example, within the National Committee on Human Rights and Fundamental Freedoms, to monitor and evaluate effectively progress in the implementation of the Convention at the national and local levels in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134). This body should be accessible to children, empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner, and address them effectively. In that regard, the Committee recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.**

Resources for children

17. While noting the efforts of the State party to reduce poverty and to increase the budgetary allocation to education and health, and the adoption of the Poverty Reduction Strategy Paper, which identifies priorities conducive to the realization of the rights of the child, the Committee expresses its concern that, in spite of efforts undertaken by the State party, insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources of economic, social and cultural rights of children".

18. **In the light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, especially disadvantaged groups, to the maximum extent of available resources (at the national and local levels) and, where needed, within the framework of international cooperation. In addition, the Committee recommends that the State party identify the amount and proportion of the budget spent on children at the national and local levels in order to evaluate the impact and effect of the expenditures on children. The Committee also recommends that the State party ensure the**

effective implementation of the Poverty Reduction Strategy Paper, paying special attention to the possible negative short-term impact of structural adjustment on the social rights of children.

Cooperation with civil society

19. While noting the participation of civil society in the drafting of the Poverty Reduction Strategy Paper, the Committee is concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention, particularly in the area of civil rights and freedoms.

20. **The Committee recommends that the State party continue to involve systematically communities and civil society, including children's associations, throughout all stages of the implementation of the Convention, including the formulation of policies and programmes and with respect to civil rights and freedoms. In addition, the Committee recommends that the State party pursue its efforts to involve traditional and religious leaders in the implementation of the Convention.**

Dissemination/training on the Convention

21. While noting the measures undertaken to promote widespread awareness of the principles and provisions of the Convention (e.g. through radio programmes, seminars and workshops), including the translation of the Convention into four languages, the Committee is of the opinion that these measures need to be strengthened and systematized, and remains concerned that only two translations have been published. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and promote awareness among professional groups working for and with children.

22. **The Committee recommends that the State party:**

(a) Strengthen its efforts to disseminate the principles and provisions of the Convention as a means of sensitizing society about children's rights through social mobilization;

(b) Publish the text of the Convention in the two languages for which this has not been done;

(c) Systematically involve community leaders in its programmes in order to fight against customs and traditions which impede the implementation of the Convention, and adopt creative communication measures for illiterate people;

(d) Provide systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers;

(e) Introduce education on human rights, including the rights of the child, into the school curricula;

(f) Seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

2. Definition of the child

23. The Committee is concerned at the difference between the minimum legal age for marriage of boys (18 years) and that of girls (15 years), which is gender discriminatory. The Committee is also concerned at the fact that the Civil Code is rarely applied in this regard and that girls can marry at a much earlier age according to customary law, which leads to a widespread practice of early marriage and early pregnancy. In addition, the Committee is concerned at the fact that the minimum age for employment is fixed at 14 years, while education is compulsory until 16 years.

24. **The Committee recommends that the State party set the same minimum age for marriage for girls and boys by increasing the minimum age for girls, and develop sensitization programmes involving traditional and religious leaders, and society at large, including children themselves, to curb the practice of early marriage. In addition, the Committee recommends that the State party harmonize the ages for child labour and compulsory education by increasing the minimum age for employment.**

3. General principles

25. The Committee is concerned that the general principles contained in the Convention, namely the right to non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12), are not fully integrated into the State party's legislation and administrative and judicial decisions, or in policies and programmes relevant to children at both national and local levels.

26. **The Committee recommends that the State party appropriately integrate the general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12, in all relevant legislation concerning children and apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children. These principles should guide planning and policy-making at every level, as well as actions taken by social and health welfare institutions, courts of law and administrative authorities.**

Right to non-discrimination

27. While noting that discrimination is prohibited under the Constitution (art. 8), the Committee is concerned at the persistence of de facto discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights and at the social discrimination experienced by children belonging to the most vulnerable groups, such as girls, children with disabilities and children living in rural areas.

28. **The Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy without discrimination, all the rights set out in the Convention, including through public education programmes and the eradication of social misconceptions, in accordance with article 2; and prioritize and target social services for children belonging to the most vulnerable groups. In addition, the Committee recommends that the State party add other grounds of discrimination to those prohibited under article 8 of the Constitution, in order to be in conformity with article 2 of the Convention.**

29. **The Committee requests that specific information be included in the next periodic report on measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's General Comment No. 1 on article 29.1 of the Convention on the aims of education.**

Right to life, survival and development

30. The Committee is concerned at the incidence of infanticide committed by mothers in the State party and at the impact of mounting economic challenges and other socio-economic difficulties, as well as traditional practices which continue to threaten the right to life, survival and development of children in the State party.

31. **The Committee encourages the State party to pursue its efforts to provide greater protection and support to children whose right to life, survival and development are unduly threatened by traditional practices and the difficult socio-economic realities of the State party. In this connection, the Committee recommends that the State party strengthen its technical cooperation with, inter alia, UNICEF, UNAIDS, UNDP and WHO.**

Respect for the views of the child

32. While noting that respect for the views of the child has been introduced in Ordinance 99-11 on the creation of juvenile courts, the Committee is concerned that respect for the views of the child remains limited within the family, in schools, in the courts and before administrative authorities, and in society at large, owing to traditional attitudes.

33. **The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children in the best interests of the child, particularly at the local levels and in traditional communities, with the involvement of community and religious leaders, and ensure that the views of children are heard and taken into consideration in accordance with their age and maturity in families, communities, schools, care institutions and the judicial and administrative systems. In that regard, the Committee recommends that the State party launch campaigns to change the traditional attitude which does not allow children to express their views.**

4. Civil rights and freedoms

Birth registration

34. While taking note of the obligation to register officially all births and the efforts undertaken by the State party to encourage birth registration, the Committee remains concerned at the large numbers of children, notably in rural areas, who are not registered at birth.

35. **In the light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to ensure the registration of all children at birth, including through awareness raising campaigns, to reinforce its efforts to facilitate birth registration procedures and to take measures to register those who were not registered at birth.**

5. Family environment and alternative care

Parental responsibilities

36. The Committee is concerned at the breakdown of family structures, notably in suburban areas, due to large families, the existence of polygamy, and lack of education, poverty and unemployment which negatively affect the upbringing and development of the child, particularly in the many larger families.

37. **The Committee recommends that the State party take all necessary measures to reinforce the capacities of families, especially families in the most precarious situation, in order to support them in bringing up their children, in the light of article 18.2 of the Convention, and to emphasize the role of fathers in that regard. In addition, the Committee recommends that the State party raise awareness in society at large concerning forced marriage and undertake a study to assess the effect of polygamy on the upbringing and development of the child.**

Separation from parents

38. The Committee is concerned at the practice of repudiation of women, which can lead to the separation of the child from his/her mother, and at the custom applicable in divorce cases which holds that children are entrusted to their mothers before they are 7 years old and to their fathers when older, without the views of the child and his/her best interests being taken into account. In addition, the Committee is concerned that the recovery of maintenance is not ensured.

39. **The Committee recommends that the State party take all necessary measures to stop these practices and reinforce its efforts to sensitize the population on the obvious negative impact and the contradiction of these practices with the best interests of the child and other relevant provisions of the Convention. In addition, the Committee recommends that the State party take all necessary measures to ensure the recovery of maintenance.**

Children deprived of their family environment

40. The Committee is very concerned that current facilities for the alternative care of children deprived of their family environment are insufficient and only available in the capital, and that many children do not have access to such assistance. In addition, the Committee expresses concern at the lack of appropriate training of staff and of a clear policy regarding the review of placements of children in alternative care.

41. **The Committee recommends that the State party urgently adopt a programme to strengthen and increase alternative care opportunities for children, inter alia through the reinforcement of existing structures, specifically extended families, the promotion of foster families, the improved training of staff and the allocation of increased resources to relevant bodies. The Committee recommends that the State party seek assistance from UNICEF in this regard.**

Adoption

42. While noting that adoption is regulated by the Civil Code, the Committee expresses concern that informal adoptions, which are generally not monitored, are widely accepted and practised in the State party and that there is no regular review of placements.

43. **In the light of article 21 of the Convention, the Committee recommends that the State party strengthen the administrative procedures for formal domestic adoptions, in order to prevent abuse of the practice of informal adoption and guarantee the protection of the rights of children. In the light of the increasing number of children deprived of a family environment, the Committee recommends that the State party promote and encourage formal adoptions and reinforce its foster care programme. Finally, the Committee recommends that the State party ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption.**

Abuse and neglect

44. The Committee is concerned at the lack of awareness of and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children, and the insufficient financial and human resources allocated to programmes to combat the abuse of children.

45. **In the light of article 19, the Committee recommends that the State party:**

(a) Undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt policies which will help to change attitudes and improve the prevention and treatment of cases of violence against children;

(b) Prohibit corporal punishment at home, in schools, in institutions and in the penal procedures;

(c) Consider introducing an effective system for reporting cases of abuse, including sexual abuse, of children;

(d) Investigate properly within a child-sensitive judicial procedure cases of domestic violence, ill-treatment and abuse of children, and sanction perpetrators, due regard being given to protecting the right to privacy of the child;

(e) In accordance with article 39 of the Convention, take measures to ensure the reintegration of victims as well as perpetrators;

(f) Make efforts to prevent the criminalization and stigmatization of child victims of abuse;

(g) Take into consideration the recommendations of the Committee adopted on its days of general discussion on children and violence (CRC/C/100, para. 688, and CRC/C/111, paras. 701-745);

(h) Seek technical assistance from, among others, UNICEF and UNDP.

6. Basic health and welfare

46. While taking note of the adoption of the National Health Development Plan 1994-2000, and while finding encouraging the new data on mortality rates, the Committee is deeply concerned at the still high infant, under-five, and maternal mortality rates and low life expectancy in the State party. The Committee also remains concerned that health services in the districts and local areas continue to lack adequate resources (both financial and human) and that medicines and care are too expensive and not easily accessible. In addition, the Committee is concerned that the survival and development of children in the State party continue to be threatened by early childhood diseases and that malnutrition is an acute problem. Concerns also exist at the low coverage of vaccination and at the lack of prenatal health care.

47. **The Committee recommends that the State party:**

(a) Reinforce its efforts to allocate appropriate resources and develop and implement comprehensive policies and programmes to improve the health situation of children, particularly in rural areas;

(b) Facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children; and promote proper breastfeeding practices;

(c) Develop high-quality and affordable health care;

(d) Increase the rate of vaccination and carry out campaigns similar to that for polio;

(e) Establish midwifery training programmes to assure safe home delivery;

(f) Pursue additional avenues for cooperation and assistance for child health improvement with, inter alia, WHO and UNICEF.

Adolescent health

48. The Committee is concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns, and substance abuse. The Committee is also concerned at the particular situation of girls, given, for instance, the very high percentage of early marriages and early pregnancies, which can have a negative impact on their health.

49. **The Committee recommends that the State party:**

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of sexually transmitted diseases (STDs), including HIV/AIDS and early pregnancies, especially through reproductive health education;

(b) Strengthen adolescent-sensitive mental health counselling services and make them known and accessible to adolescents.

HIV/AIDS

50. While noting the launch of a programme to combat STD/AIDS, the Committee remains concerned at the increasing prevalence of HIV/AIDS amongst adults and children, and the number of children orphaned by HIV/AIDS.

51. **The Committee recommends that the State party:**

(a) Increase its efforts to prevent HIV/AIDS and take into consideration the recommendations the Committee adopted at its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243);

(b) Urgently consider ways of minimizing the impact upon children of HIV/AIDS-related deaths of parents, teachers and others in terms of children's reduced access to a family life, to adoption, to emotional care and education;

(c) Involve children in formulating and implementing preventive policies and programmes;

(d) Seek further technical assistance from, inter alia, UNAIDS.

Harmful traditional practices

52. While noting the efforts of the State party to prevent and combat harmful traditional practices, the Committee is concerned at the persistence of such practices, including female genital mutilation, the removal of the uvula, early and forced marriages, and forced feeding.

53. **The Committee recommends that the State party:**

(a) Adopt the bill to prohibit female genital mutilation;

(b) Take legislative and awareness raising measures to prohibit and eradicate all kinds of traditional practices harmful to the health, survival and development of children, boys as well as girls;

(c) Reinforce its sensitization programmes, with the involvement of traditional leaders, practitioners and the general public, to change traditional attitudes and discourage harmful practices, in particular in rural areas;

(d) Find alternative employment for practitioners.

Children with disabilities

54. While noting Ordinance 93-01-12 which sets out the minimum rules for the social protection of disabled persons, its Decree of implementation of 1996 and the study carried out in 2001, the Committee is concerned at the inadequate legal protection and the insufficient facilities and services for children with disabilities. Concern is also expressed at the limited number of trained teachers available to work with children with disabilities, as well as the insufficient efforts made to facilitate their inclusion in the educational system and generally in society. The Committee also notes with concern the inadequate resources allocated to special education programmes for children with disabilities. The Committee is further concerned at the high number of disabled children begging on the streets.

55. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the recommendations adopted by the Committee at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), it is recommended that the State party:**

(a) Take effective measures to collect adequate statistical data on children with disabilities and to ensure the use of such data in the development of policies and programmes for these children;

(b) Reinforce its efforts to develop early detection programmes to prevent disabilities;

(c) Establish special education programmes for children with disabilities and, where feasible, integrate them into mainstream schools and public life;

(d) Undertake awareness-raising campaigns to sensitize the public about the rights and special needs of children with disabilities, as well as children with mental health concerns;

(e) Increase the resources, both financial and human, allocated to special education and enhance the support given to children with disabilities;

(f) Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, inter alia, WHO and UNESCO.

Standard of living

56. The Committee is concerned about the widespread poverty in the State party and the increasingly high numbers of children who do not enjoy the right to an adequate standard of living, including access to clean drinking water, adequate housing and latrines.

57. **The Committee recommends that, in accordance with article 27 of the Convention, the State party reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party pay particular attention to the rights and needs of children when implementing its Poverty Reduction Strategy Paper and all other programmes intended to improve the standard of living in the country.**

7. Education, leisure and cultural activities

58. While noting that Act No. 98-12 sets forth the right of the child to education and the obligation of the State to make primary education compulsory and free, and welcoming the 10-Year Education Plan 2002-2012, as well as the efforts undertaken by the State party to increase the enrolment of girls, the Committee remains concerned that enrolment in schools is still low and that illiteracy is widespread. The Committee is also concerned at the gender and regional disparities in enrolment in schools, absenteeism, the high drop-out and repeat rates; the insufficient numbers of trained teachers, schools and classrooms; and the lack of relevant learning material. In the light of article 29.1 of the Convention, the Committee is also concerned at the quality of education in the State party. In addition, the Committee is concerned at the quality of education in koranic schools.

59. **The Committee recommends that the State party:**

(a) Progressively ensure that girls and boys, from urban, rural and least developed areas, all have equal access to educational opportunities;

(b) Take necessary measures to remedy the low quality of education and to ensure better internal efficiency in the management of education;

(c) Build better infrastructure for schools and provide appropriate training for teachers;

(d) Improve the education system with a view to achieving the aims mentioned in article 29.1 of the Convention and the Committee's General Comments on the aims of education, and introduce human rights, including children's rights, into the school curricula;

(e) Raise awareness of the importance of early childhood education and introduce it into the general framework of education;

(f) Encourage the participation of children at all levels of school life;

(g) Seek assistance from UNICEF and UNESCO.

8. Special protection measures

Refugee, asylum-seeking children and unaccompanied children

60. The Committee notes the adoption of Law No. 97/016 of 30 June 1997, which addresses the protection of refugees and establishes the National Commission of Refugees, and welcomes the State party's policy with regard to refugee children, but is concerned that not all births are registered.

61. **The Committee recommends that the State party implement this legislation and ensure birth registration for all refugee children born on the territory of the State party. In addition, the Committee recommends that the State party consider ratifying the 1954 Convention relating to the Status of Stateless Persons and that it continue its cooperation with international agencies such as UNHCR and UNICEF.**

Children affected by armed conflict

62. The Committee welcomes the State party's decision to review the "prytanée militaire" prior to ratifying the Optional Protocol on the involvement of children in armed conflict. In addition, the Committee notes the Peace Agreement concluded in 1995 between the State party and the various rebel groups, and the establishment of the Office of the High Commissioner for the Restoration of Peace, but remains concerned at the difficult situation of displaced persons, particularly children and women.

63. **The Committee encourages the State party to speed up the review of its "prytanée militaire". In addition, the Committee recommends that the State party reinforce its efforts to provide displaced children with adequate social services, including health care, immunization and education, and to socially reintegrate former combatants.**

Economic exploitation

64. The Committee is deeply concerned that child labour in the State party is widespread, particularly in the informal sector, and that children may be working long hours at young ages, which has a negative effect on their development and school attendance. The Committee is also deeply concerned at the existence of slavery in some parts of the country.

65. **The Committee recommends that the State party:**

(a) Adopt and implement the national plan of action to prevent and combat child labour;

(b) Provide adequate human and other resources and training to the labour inspectorate and other law enforcement agencies in order to strengthen further their capacity to monitor effectively the implementation of child labour legislation and relevant ILO Conventions;

(c) Take all necessary measures to eliminate the worst forms of child labour, including slavery, in the State party, in conformity with article 12 of the Constitution, and raise awareness among the population on this issue, involving traditional leaders;

(d) Seek innovative approaches, such as alternative education or non-formal education, to give educational opportunities to children who are older and have to work;

(e) Seek assistance from ILO.

Child beggars

66. The Committee is concerned at the number of children who are begging in the streets. The Committee notes that some of these child beggars are pupils under the guardianship of Islamic religious education teachers. The Committee is concerned at their vulnerability to all forms of exploitation.

67. **The Committee recommends that the State party prohibit child begging, introduce sensitization programmes to discourage and prevent it and take all necessary measures in collaboration with traditional and religious leaders and parents to stop this practice.**

Sexual exploitation and trafficking

68. The Committee is concerned at the increasing number of child victims of sexual exploitation, including for prostitution and pornography, especially among child labourers and street children. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

69. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party conduct a study with a view to assessing the extent of the commercial sexual exploitation of children, including prostitution, pornography and**

trafficking; and implement appropriate policies and programmes for prevention and for the recovery and social reintegration of child victims, in accordance with the 1996 Declaration and Agenda for Action and the 2001 Global Commitment adopted by the World Congresses against Commercial Sexual Exploitation of Children.

Administration of justice

70. The Committee welcomes the adoption of Ordinance 99-11 of 14 May 1999 on the creation of juvenile courts, but remains concerned at the absence of juvenile courts and at the limited number of juvenile judges, social workers and teachers to work in this field. In addition the Committee is deeply concerned at the non-separation of children and adults in jails (with the exception of the jail in Niamey), the very poor conditions of detention, mainly due to overcrowding in detention and prison facilities, the frequent recourse to and excessive length of pre-trial detention, the very limited rehabilitation and reintegration of juveniles following judicial proceedings and the sporadic training of judges, prosecutors and prison staff.

71. **The Committee recommends that the State party take additional steps to reform the legislation and the system of juvenile justice in line with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System.**

72. **As part of this reform, the Committee particularly recommends that the State party:**

(a) Undertake all necessary measures to ensure the establishment of juvenile courts and the appointment of trained juvenile judges in all regions of the country;

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible time, limit by law the length of pre-trial detention and ensure that the lawfulness of this detention is reviewed by the judge without delay and then regularly;

(c) Develop alternative measures to deprivation of liberty;

(d) Provide children with legal and other assistance at an early stage of the procedure;

(e) Provide children with basic services (e.g. health care, schooling);

(f) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, in particular by establishing special prisons for

children with conditions suited to their age and needs and by ensuring the provision of social services in all detention centres in the country, and, in the meantime, by guaranteeing separation of children from adults in all prisons and in pre-trail detention places throughout the country;

(g) Ensure that children remain in regular contact with their families while in the juvenile justice system;

(h) Introduce regular medical examination of children by independent medical staff;

(i) Establish an independent child-sensitive and accessible complaints system for children;

(j) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(k) Make every effort to establish a programme of recovery and social reintegration for juveniles in conflict with the law;

(l) Take into consideration the recommendations of the Committee presented during its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238);

(m) Consider requesting technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

9. Optional protocols to the convention on the Rights of the Child

73. **The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution, child pornography, and on the involvement of children in armed conflict.**

10. Dissemination of the report

74. **Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records of the discussion and the concluding observations adopted by the Committee after its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring in the Government and the general public, including NGOs.**

11. Next report

75. **The Committee, aware of the considerable delay in the State party's reporting, wishes to underline the importance of reporting practice which is in full compliance with the rules set out in article 44 of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee understands that the State party had difficulties in initiating the reporting process and, in order to assist the State to comply fully with its reporting obligations under the Convention, the Committee invites the State party, by way of exception, to submit its second, third and fourth reports jointly before 29 October 2007.**